

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

2013 APR 18 AM 10:10

CLERK *J. Moore*
SO. DIST. OF GA.

WILLINGWAY, INC.,

Plaintiff,

v.

MARIEL HEMINGWAY and
BOBBY WILLIAMS,

Defendants.

Civil Action No. CV613-040-BAE-GRS

CONSENT JUDGMENT

The parties hereto, having agreed to a settlement of the matters in issue between them, and to the entry of this Judgment, it is hereby ORDERED, ADJUDGED, AND DECREED:

1. This Court has jurisdiction over Plaintiffs Willingway, Inc., and over Defendants Mariel Hemingway and Bobby Williams, and over the subject matter in issue, and venue is proper.
2. Willingway, Inc. is the owner of United States Trademark Registration No. 1,161,456 ("the Registration") for the trademark WILLINGWAY ("the Trademark").
3. The Registration and the Trademark are good, enforceable in law, and not invalid, and have been infringed by the Defendants' use of at least the names WILLINGWAY; WILLING WAY; THE WILLINGWAY; THE WILLING WAY; THE WILL AND THE WAY; THE WILLINGWAY RANCH and the domain name www.thewillingway.com, including as shown in the attached Exhibit A. This Judgment is intended to and shall preclude the Defendants from ever again challenging the validity of the Trademark and the Registration.

Civil Action No. CV613-040-BAE-GRS

4. Defendants, Mariel Hemingway and Bobby Williams, and their agents, servants, employees, attorneys, and those persons acting in concert or participation with them, are enjoined from infringing the Trademark and, from manufacturing, importing, distributing, soliciting orders for, using, or causing to be used the Trademark and all confusingly similar variations thereof in connection with their business; and from use of the domain name www.thewillingway.com, any domain name with the name WILLINGWAY or any confusingly similar variations of the Trademark, including as set forth in paragraph 3 hereof, or as otherwise agreed to by the parties.

5. It is ordered that the Web site operating under the domain name www.willingway.com shall immediately be disabled and shut down and the domain name www.willingway.com shall be assigned by Defendants to Plaintiff and no later than three (3) days after the entry of this Judgment.

6. It is ordered that all goods, all packaging, labels, signs, prints, stationery, packages, receptacles and advertisements in the possession, custody or control of Defendants bearing the infringing marks or any confusingly similar variations thereof and all plates, molds, matrices, and other means of making the same shall be delivered up to Plaintiff and destroyed or as otherwise agreed to by the parties.

7. The parties represent and warrant that they are the real parties in interest in this dispute and have authority to enter into this Judgment.

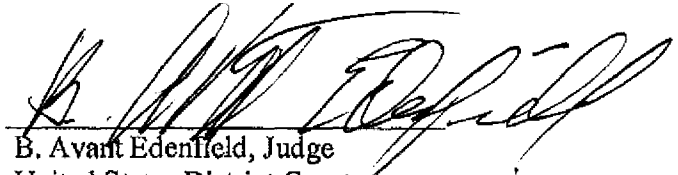
8. This Judgment shall be binding on the parties and their successors or assigns.

Civil Action No. CV613-040-BAE-GRS

9. Each party hereto shall bear their own costs and expenses, including attorney fees, except as otherwise agreed to by the parties.

10. Plaintiff Willingway, Inc. shall have judgment accordingly.

IT IS SO ORDERED THIS ^{18th}~~15th~~ day of April, 2013.



B. Avant Edenfield, Judge
United States District Court
Southern District of Georgia

Approved for Plaintiff:

/s/ Wesley C. Taulbee

Wesley C. Taulbee
Ga. Bar No. 368972
FRANKLIN, TAULBEE, RUSHING,
SNIPES & MARSH, LLC
12 Siebald Street
Statesboro, Georgia 30458
Telephone: (912) 764-9055
Fax: (912) 764-8687
Email: wtaulbee@ftrsm.com

Theodore A. Breiner
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314
Telephone: (703) 684-6885
Fax: (703) 684-8206
Email: tbreiner@bbpatlaw.com

Approved for Defendants:

/s/ Jonathan Polak

Jonathan Polak
Amy L. Wright
TAFT STETTINIUS & HOLLISTER LLP
One Indiana Square, Suite 3500
Indianapolis, Indiana 46204-4609
Telephone: (317) 713-3532
Fax: (317) 713-3699
Email: jpolak@taftlaw.com
Email: awright@taftlaw.com